



Colorado Legislative Council Staff Fiscal Note
NO FISCAL IMPACT

Drafting Number: LLS 10-0582

Date: January 29, 2010

Prime Sponsor(s): Rep. Kagan

Bill Status: House Health and Human Services

Fiscal Analyst: Kerry White (303-866-3469)

TITLE: CONCERNING THE USE OF GENERIC PRESCRIPTION DRUGS.

Summary of Legislation

HB10-1145 changes the language that must be used on a prescription when a health care practitioner chooses to specify when a generic drug may not be substituted for the drug prescribed. Under current law, a practitioner writes "dispense as written," which will change to "brand medically necessary." Pharmacists are prohibited from accepting a voucher, coupon, or other form of discount for a prescription drug for which there is an equivalent, generic drug if:

- the practitioner has not designated the drug as "brand medically necessary;" and
- payment for the drug is, in whole or in part, to be made by a health insurance carrier.

The bill takes effect August 11, 2010, if the General Assembly adjourns on May 12, 2010, as scheduled, and no referendum petition is filed.

Assessment

This bill is assessed as having no fiscal impact for it does not create any requirements or work for a state or local government entity. Additionally, changing the language from "dispense as written" to "brand medically necessary" does not impose any new requirements on practitioners that prescribe drugs. Though the bill makes it unlawful for a pharmacist to accept certain types of payments for prescription drugs, there are no enforcement or other duties imposed on the Board of Pharmacists within the Department of Regulatory Agencies.

Departments Contacted

Health Care Policy & Financing
Regulatory Agencies

Human Services